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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/964,466	09/28/2001	Hirofumi Shimuzu	214592US2S	1772

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OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

CHANG, KENT WU

ART UNIT PAPER NUMBER

2675

DATE MAILED: 11/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/964,466

Applicant(s)

SHIMUZU, HIROFUMI

Examiner

Kent Chang

Art Unit

2675

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 June 2005.
2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5-7 and 9-16 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-3, 5-7 and 9-16 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 7/1/05.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____

DETAILED ACTION

Information Disclosure Statement

1. The references listed in the Information Disclosure Statement submitted 7/1/05 have been considered by the examiner (see attached PTO-1449).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 3, 5, 7, 15, 16 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Yamamoto (JP 2000216907, submitted by applicant in the IDS filed on 7/1/05).

Consider claims 1, 3, 5, 7, 15, 16. Yamamoto discloses a communication terminal apparatus (radio telephone handset) capable of receiving information from a communication system network (browsing the World Wide Web, see paragraph 0030), comprising: receiving means for receiving information from the network; a display configured to display information received from the network; illumination means for illuminating the display; a detector configured to detect completion of information reception by the receiving means; display control means for causing the display to display information received by the receiving means from the network, when the

Art Unit: 2675

detector has detected the completion of the information reception, an illumination controller configured to cause the illumination means to illuminate the display, when the detector has detected the completion of the information reception, and a time measured by a timer falls within a predetermined time period (see machine translated document, paragraph 0012, 0037, 0038, 0052, 0053, 0056).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamamoto (JP 2000216907, submitted by applicant in the IDS filed on 7/1/05) in view of Yoshinori (JP 9-252342).

Consider claims 2 and 6. Yamamoto discloses a communication terminal apparatus (radio telephone handset) capable of receiving information from a communication system network (browsing the World Wide Web, see paragraph 0030), comprising: receiving means for receiving information from the network; a display configured to display information received from the network; illumination means for illuminating the display; a detector configured to detect completion of information reception by the receiving means; display control means for causing the display to display information received by the receiving means from the network, when the

detector has detected the completion of the information reception, an illumination controller configured to cause the illumination means to illuminate the display so as to notify the user of the completion of the transmission, when the detector has detected the completion of the information reception, and a time measured by a timer falls within a predetermined time period (see machine translated document, paragraph 0012, 0037, 0038, 0052, 0053, 0056). Yamamoto is silent in using a luminous level detector.

However, Yoshinori teaches to use a light detector for detecting the surrounding brightness level of a display device and turn off the display when the surrounding brightness level is high. Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to use a light detector for detecting the surrounding brightness level of a display device and turn off backlight of the display when the surrounding brightness level is high as taught by Yoshinori in the device of Yamamoto so as to save power.

6. Claims 9-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamamoto (JP 2000216907, submitted by applicant in the IDS filed on 7/1/05).

Consider claims 9-14. Yamamoto discloses a communication terminal apparatus (radio telephone handset) capable of receiving information from a communication system network (browsing the World Wide Web, see paragraph 0030), comprising: receiving means for receiving information from the network; a display configured to display information received from the network; illumination means for illuminating the display; a detector configured to detect completion of information reception by the receiving means; display control means for causing the display to display information

received by the receiving means from the network, when the detector has detected the completion of the information reception, an illumination controller configured to cause the illumination means to illuminate the display so as to notify the user of the completion of the transmission, when the detector has detected the completion of the information reception, and a time measured by a timer falls within a predetermined time period (see machine translated document, paragraph 0012, 0037, 0038, 0052, 0053, 0056).

Yamamoto further teaches to notify the user of an event by turning on of the display, a sound or vibration (paragraph 0012), but fails to expressly teach using a sound signal at the time of the completion of the data transmission. However, it would have been obvious for one ordinary skill in the art at the time of the invention to use a beep sound to inform the user of the completion of the information reception in the device of Yamamoto so as to provide a user friendly device since choosing the type of the notification signal is merely a matter of design choice and any type of notification signal would perform equally well in notifying the user of the completion of the information reception as taught by Yamamoto.

Response to Arguments

7. Applicant's arguments with respect to claims 1-3, 5-7, 9-16 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

CONTACT INFORMATION

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kent Chang whose telephone number is 571-272-7667. The examiner can normally be reached on Monday to Thursday from 9:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sumati Lefkowitz, can be reached at 571-272-3638.

Any response to this action should be mailed to:


Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

571-273-8300

Hand-delivered responses should be brought to the Customer Service Window, now located at the Randolph Building, 401 Dulany Street, Alexandria, VA 22314.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kent Chang
Primary Examiner
Art Unit 2675

kc

11/13/05